

**ORDINANCE 2018-34**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA, AMENDING SECTION 131.16 OF  
THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA**

**WHEREAS**, Indiana Code 36-8-2-4 authorizes a governmental unit to regulate by ordinance conduct, or use or possession of property, that might endanger the public health, safety, or welfare of its citizens; and

**WHEREAS**, Indiana Code 36-8-2-5 authorizes a governmental unit to impose restrictions upon persons or animals that might cause other persons or animals to be injured or contract diseases; and

**WHEREAS**, Warrick County, IN Code of Ordinances, Chapter 131, regulates the conduct of animals and their owners within Warrick County, Indiana; and

**WHEREAS**, the Warrick County Animal Control Department recommends revising certain sections of Warrick County, IN Code of Ordinances, Chapter 131; and

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana, desires to amend certain sections of Warrick County, IN Code of Ordinances, Chapter 131.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana, that:

**The Code of Ordinances of Warrick County, Indiana, Chapter 131, is hereby amended in part to read as follows:**

**§ 131.04 DANGEROUS DOGS.**

- (A) No Owner shall own, keep, possess, or otherwise harbor a Dangerous Dog.
- (B) The Animal Control Officer, in his or her sole discretion, shall determine whether a dog is considered a Dangerous Dog as defined in this Chapter.
- (C) An Owner of a dog determined to be a Dangerous Dog shall be subject to a fine for violating this Chapter. The Animal Control Officer shall impound a dog determined to be a Dangerous Dog according to Sections 131.21 through 131.24.

Penalty, see § 131.99

**§ 131.15 ANIMALS IN VEHICLES.**

- (A) No Animal shall be left unattended in a vehicle when the conditions in said vehicle would constitute a health hazard to the Animal.

(B) *Transportation of Animals.* Any Animal transported in the open bed of a truck while the vehicle is in motion:

(1) Shall be tethered by a halter to the two (2) sides of the corners of the bed of the truck closest to the cab, so long as such halter is not secured to said Animal's neck; or

(2) Shall be contained in a secured travel container so as to prevent injury to the Animal.

The tail-gate of any vehicle transporting an Animal in accordance with this Section shall be in a secured, closed position.

(C) No Animal shall be transported in the open bed of a truck during inclement weather. Weather temperatures measuring below Thirty-Two Degrees Fahrenheit (32°), including windchill, and above Ninety Degrees Fahrenheit (90°), including heat index, as well as any other weather condition that would constitute a health hazard to Domestic Animals, shall be considered "inclement weather" for purposes of this Section.

Penalty, see § 131.99

#### **§ 131.16 POISONOUS BAIT; TRAPS.**

(A) *Poisonous Bait.* No Person shall set out any kind of poisonous substance or bait with the intent to do any harm to any Domestic Animal.

(B) *Traps.*

(1) No live-animal traps shall be set during inclement weather or in a location which exposes the trap(s) to direct sunlight. Weather temperatures measuring below Thirty-Two Degrees Fahrenheit (32°), including windchill, and above Ninety Degrees Fahrenheit (90°), including heat index, shall be considered "inclement weather" for the purposes of this Section.

(2) It shall be unlawful for a Person to use, place, set, or cause to be used, placed, or set, any snare, net, or other device for the purposes of trapping or capturing any Animal upon any land or waters located in Warrick County in any manner that does not result in said Animal being captured painlessly or killed instantly.

(3) It shall be unlawful for a Person, having placed a lawful trap, snare, or similar device in Warrick County, to fail to inspect and empty said trap, snare, or device at least once during every twenty-four (24) hour period in which the trap, snare, or device is in place.

Penalty, see § 131.99

#### **§ 131.22 REDEMPTION OF ANIMAL.**

(A) *Redemption Period.* Any Animal, including Livestock, that is not redeemed by its Owner within six (6) days after the posting of such notice shall immediately become the property of



Warrick County Animal Control and be subject to disposition by the Warrick County Health Department, or its designee, in accordance with Section 131.23.

(B) Except as otherwise provided, the Owner of any impounded Animal, including Livestock, may redeem said impounded Animal prior to the expiration of the Redemption Period by meeting the following requirements:

- (1) The Owner must be eighteen (18) years or older;
- (2) Paying the sum of Fifteen and 00/100 Dollars (\$15.00) for each day said Animal has been impounded, up to and including the day of redemption. Impoundment fees may be modified by Warrick County Animal Control, from time to time, according to its discretion;
- (3) Paying to vaccinate the Animal for rabies, if needed;
- (4) Paying any expenses associated with the implantation of a Microchip in any Animal, excluding Pocket Pets or Livestock;
- (5) Paying any expenses provided to the Animal for adequate housing, food, medicine, and/or reasonable and necessary veterinary care.

(C) After an Animal's third impoundment, excluding Pocket Pets and Livestock, Owner of said Animal shall pay any expenses to spay or neuter said Animal. Fees and expenses payable for the spaying and neutering of an Animal under this Section are determinable by Warrick County Animal Control and may be modified from time to time.

(D) Upon an Animal's fourth impoundment, said Animal becomes the property of the Warrick County Health Department and shall not be redeemable by the Owner.

(E) An Owner's attempted sale or other disposition of an Animal that is impounded at a Warrick County Animal Control facility does not affect the application of this Chapter.

(F) An Owner in violation of this Chapter shall not be permitted to redeem a dog determined to be a Dangerous Dog pursuant to Section 131.04.

### **§ 131.23 DISPOSITION OF UNCLAIMED ANIMALS.**

(A) Any Domestic Animal not reclaimed by its Owner within six (6) days of the posting of notice of impoundment at the Animal Control Facility shall be eligible for either adoption, rescue, or euthanasia, whichever is necessary, in the discretion of Warrick County Animal Control, to carry out the intent of this Chapter.

(B) *Adoption.* Adoption of an unclaimed Animal from Warrick County Animal Control requires the following:

- (1) The adopting party to pay for a rabies vaccination of said Animal, if the Animal is one requiring rabies vaccination under the laws of the State of Indiana or by this Chapter;

(2) By paying a fee of Ten and 00/100 Dollars (\$10.00) for any Animal six (6) months of age or older, or a fee of Five and 00/100 Dollars (\$5.00) for any Animal under the age of six (6) months. Notwithstanding the foregoing, the cost of an Animal that is already spayed or neutered at the time of adoption is Twenty-Five and 00/100 Dollars (\$25.00). The Animal Control Officer shall be charged with the responsibility of determining the specie and age of the adopted Animal. Adoption fees may be modified by Warrick County Animal Control from time to time, according to its discretion; and

(3) In the event the Animal to be adopted has not been spayed or neutered, the Animal shall be spayed or neutered prior to finalization of the Adoption. The Person seeking adoption shall make arrangements with a licensed veterinarian in Warrick County to perform the necessary surgery to spay or neuter the Animal. The Animal Control Officer shall deliver the Animal to the veterinarian's office for such surgery.

(C) *Rescue*. Rescue of an unclaimed Animal from Warrick County Animal Control requires the following:

(1) The rescuing party pay a fee of:

(a) Five and 00/100 Dollars (\$5.00) for an Animal less than six (6) months of age.

(b) Ten and 00/100 Dollars (\$10.00) for an Animal six (6) months of age or older.

(c) Fifteen and 00/100 Dollars (\$15.00) for a litter of offspring and the litter's mother.

Rescue fees may be modified by Warrick County Animal Control, from time to time, according to its discretion.

(2) Each rescuing party be approved by Warrick County Animal Control for the rescue of the unclaimed Animal and have a completed Rescue Application on file at the Warrick County Animal Control office. Rescue Applications are available at the Warrick County Animal Control office.

(D) *Euthanasia*. The decision to euthanize an unclaimed Animal shall be made at the sole discretion of Warrick County Animal Control.

#### **§ 131.24 RELINQUISHMENT OF ANIMALS.**

(A) Only those Animals that have been found in Warrick County may be surrendered to Warrick County Animal Control.

(B) A Person must complete and sign an intake card provided by Warrick County Animal Control before surrendering an Animal to Warrick County Animal Control.



(C) Animals that are surrendered to Warrick County Animal Control shall immediately become the property of Warrick County and placed for disposition.

(D) In its sole discretion, Warrick County Animal Control may provide euthanasia services of Animals upon request, following the completion of an Euthanasia Request form provided to the requesting party by Warrick County Animal Control. Warrick County Animal Control shall require the party requesting said service to pay any costs associated therewith. The decision to euthanize an Animal pursuant to this Section shall be made at the sole discretion of Warrick County Animal Control.

(E) Stray Animals shall be impounded for six (6) days, commencing the day the Animal is impounded, as long as space allows and the Animal, in Warrick County Animal Control's discretion, is in good health. If Warrick County Animal Control determines the Animal is sick, contagious, suffering, or extremely dangerous, the Animal may be humanely euthanized in accordance with Warrick County Animal Control procedure.

(F) Prior Warrick County Animal Control releasing an Animal that is without a means of identification to a Person under this Chapter, Warrick County Animal Control may require said Animal to be implanted with a Microchip at the expense of the Person seeking the Animal's release. Fees and costs associated with implanting a Microchip in an Animal for purposes of identification are to be determined by Warrick County Animal Control and may be modified from time to time, according to its discretion.

(G) Animals that pose a danger to Warrick County Animal Control employees and staff and that are without a means of identification may be euthanized at the discretion of Warrick County Animal Control.

#### **§ 131.27 BITE REPORTS.**

(A) Following receipt of an animal bite report, the Animal Control Officer shall determine if the Animal accused of biting has been properly inoculated with a rabies vaccine.

(B) Upon the reporting of an animal bite to an Animal Control Officer, the Owner of the Animal accused of biting shall surrender the Animal to the Animal Control Officer for quarantine.

(C) An Owner of an Animal who refuses to surrender the Animal to the Animal Control Officer upon request violates this Chapter.

(D) Upon receipt of an animal bite report, the Animal Control Officer may enter upon private property, excluding closed buildings, if he or she has reasonable grounds to believe that a biting Animal is located on said property.

(E) Upon taking possession of a biting Animal, or an Animal accused of biting, the Animal Control Officer shall order the Animal to be held in quarantine for a period of ten (10) days. In the absence of evidence of a rabies immunization, the Animal shall be held in quarantine at the Animal Control Facility or a licensed veterinary facility. If the Animal Control Officer determines that the Animal accused of biting has been properly inoculated with a rabies vaccine, the Animal may, at the discretion of the Animal Control Officer, be quarantined in the home of

the Owner or other responsible person if the Owner of the Animal agrees in writing to comply with all of the provisions of the Home Quarantine Guidelines issued by the State of Indiana. The Home Quarantine Guidelines shall include, without limitation, the following:

- (1) The Warrick County Health Officer, or the Animal Control Officer, shall appoint a licensed veterinarian to examine the Animal immediately after it has been accused of biting, and again at the end of a ten (10) day quarantine period. The Owner of the Animal accused of biting shall be responsible for the costs incurred in examining the Animal, as well as a boarding fee of Fifteen and 00/100 Dollars (\$15.00) per day, which costs shall be paid prior to the release of the Animal at the end of the quarantine period. If the Animal is quarantined at a veterinary facility of the Owner's choice, the Owner shall be solely responsible for the costs and care of the Animal in said facility.
- (2) If, at the end of the ten (10) day quarantine period, the veterinarian appointed by the Warrick County Health Officer or the Animal Control Officer reasonably believes that the Animal is not afflicted with rabies, said Animal shall be released from quarantine contingent upon the following:
  - (a) Compliance with the payment requirements set forth in Section 131.23;
  - (b) Compliance with the inoculation requirements set forth in this Section; and
  - (c) Payment of veterinary expenses for examination during quarantine required under this Section.
- (3) If an Animal dies at any time during a ten (10) day quarantine period, the Animal's head shall be sent to the Indiana State Department of Health for examination. Any costs incurred by Warrick County in connection with such examination shall be the responsibility of the Owner of the Animal and paid upon notice thereof.
- (4) No Animal shall be destroyed or otherwise disposed of at any point during the ten (10) day period in which the Animal is quarantined without the express permission of the Warrick County Health Officer.

Penalty, see § 131.99

#### **§ 131.32 SUBSEQUENT VIOLATIONS.**

A violation committed by a Person more than two (2) years after the most recent violation committed by the same Person shall constitute a first violation for purposes of this Chapter. Any violation committed by a Person that occurs within two (2) years of a prior violation committed by the same Person shall constitute a subsequent violation for purposes of this Chapter.

#### **§ 131.99 PENALTY.**



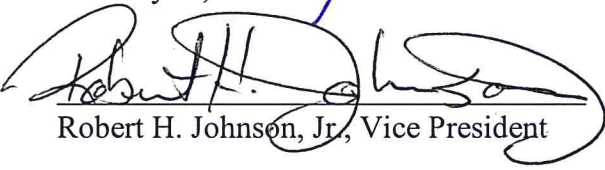
- (A) The Warrick County Board of Health, or its designees, shall have the authority to set a reasonable fine for any violation of this Chapter. A copy of the current fee schedule shall be posted at the Animal Control Facility at all times.
- (B) Notwithstanding the above, the penalty for a first offense of violation of this Chapter shall be a fine not to exceed One Hundred and 00/100 Dollars (\$100.00).
- (C) Notwithstanding the above, the penalty for any subsequent violation of this Chapter shall be a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00).
- (D) Notwithstanding the above, any Person found in violation of this Chapter shall be responsible for filing fees incurred and attorney fees of up to Two Hundred Fifty and 00/100 Dollars (\$250.00) in the event the violation committed by the Person is the subject of litigation.

**Those Sections of Chapter 131 of the Warrick County, IN Code of Ordinances not specifically amended by this Ordinance shall remain unchanged and unaffected.**

**The above ordinance is passed and adopted by the Board of Commissioners of Warrick County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

BOARD OF COMMISSIONERS  
OF WARRICK COUNTY, INDIANA

  
\_\_\_\_\_  
Dan Saylor, President

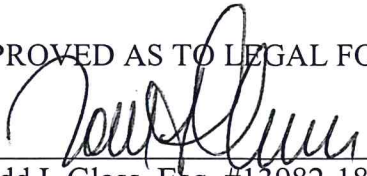
  
\_\_\_\_\_  
Robert H. Johnson, Jr., Vice President

  
\_\_\_\_\_  
Marlin Weisheit, Member

ATTEST:

  
\_\_\_\_\_  
Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

A handwritten signature in black ink, appearing to read 'Todd I. Glass', is written over a horizontal line.

Todd I. Glass, Esq. #13982-18

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